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III. REMARKS:

As a brief explanation as to why this §312 amendment is submitted herewith, Examiner Ware and Applicant's representative, Al Wiedmann Jr. (the undersigned) agreed to an examiner's amendment in a May 1, 2007 telephone conference. It is the undersigned's recollection that the examiner's amendment was, *inter alia*, to delete the appearance of the word "system" in line 2 of claim 1 ("wherein said health enhancement system") and replace it with the word "method". However, the examiner's amendment of June 15, 2007 appears to have merely deleted the word "system" as appearing in line 2 of claim 1 without replacing it with the word "method". Such prompted a phone call on June 22, 2007 from the undersigned to Examiner Ware in an attempt to resolve the matter. During that telephone conference, the undersigned suggested that the claim, even if amended as originally agreed on May 1, 2007 (so it would read "A method for health enhancement, wherein said health enhancement method comprises the steps of ingesting:") was unnecessarily wordy and repetitive. During that June 22, 2007 phone call, it was suggested by Applicant that the preamble of claims 1 and 9 be amended to read "A method for health enhancement comprising the steps of ingesting:", thereby resolving the apparent above-mentioned misunderstanding relative to the examiner's amendment to claim 1, eliminating repetitive, unnecessary language of the preambles of both claims 1 and 9, and mimicking the preambles of claims 17 and 23.

In the phone conference between the undersigned and the examiner, the expressed receptiveness to such amendment as long as it was filed in a proper Rule 312 amendment. It is believed that this paper constitutes such an amendment. Further, as the amendments do not change the scope of any claim, all the explanations and rationales relative to patentability of the claims presented in earlier filed papers still apply. The Applicant requests that the Office make the amendments, reconsider the application and claims as necessary, and allow the case to issue (upon payment of the issue fee, of course, submitted concurrently or later herewith) in its normal course.

Additional Information:

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Importantly, it should be understood that the amendments submitted herein are made as a matter of practicality only, and should not be construed as creating any situation of file wrapper estoppel or the like as all rights are expressly reserved and may be pursued in this or other applications, such as divisionals, continuations, or continuations-in-part if desired. Amendments are made for tangential issues of clarity and as a matter of the Office's convenience or expedience only. The amendments should not be interpreted as an action that in any way surrenders a particular equivalency, surrenders any right to patent coverage, or otherwise limits any rights that the Applicant may now or hereafter assert. It should be understood that, unless and to the extent deemed broadened by this amendment, and even as amended, the Applicant expressly reserves all rights, including but not limited to: all rights to maintain the scope of literal coverage with respect to any element as may have existed under the language previously presented, all rights to maintain the scope of equivalency coverage as may have existed under the language previously presented, and all rights to re-present the prior language at any time in this or any subsequent application. To the extent currently foreseeable, no change or reduction in *direct or* equivalency coverage is believed to exist, and no change or reduction in *direct or* equivalency coverage is intended through the presentation of this amendment.

IV. Conclusion

The Applicant requests this Rule 312 amendment be entered. The Applicant indicates that the issue fee is paid in a paper submitted concurrently, or later than this document. Reconsideration and allowance of these remaining claims is respectfully requested at the Examiner's earliest convenience. Should the Examiner have any remaining questions or disagree with any of Applicant's explanations, it is requested that the Examiner contact the undersigned by telephone in order to expedite the processing of this application.

Dated this 18th day of July, 2007.

Respectfully submitted,

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